

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DONALD J. BOYER,	§
	§
Defendant Below-	§ No. 258 , 2006
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 86010533DI
Plaintiff Below-	§
Appellee.	§

Submitted: July 11, 2006
Decided: August 15, 2006

Before **STEELE**, Chief Justice, **JACOBS**, and **RIDGELY**, Justices.

ORDER

This 15th day of August 2006, after careful consideration of appellant's opening brief and the State's motion to affirm, we find it manifest that the judgment of the Superior Court should be affirmed on the basis that the issue raised by Boyer is controlled by well-settled Delaware law. In *Evans v. State*, 872 A.2d 539 (Del. 2005), this Court rejected the argument that a parolable life sentence should be treated as a fixed term of 45 years. Boyer's appeal offers no basis to reconsider that holding.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/Henry duPont Ridgely
Justice